



# The Attorney General of Texas

July 17, 1978

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Attorney General

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An Equal Opportunity  
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Honorable Clema D. Sanders  
Executive Director  
Texas Board of Private Investigators &  
Private Security Agencies  
P. O. Box 13509  
Austin, Texas

Open Records Decision No. 199

Re: Whether an investigative report of the Texas Board of Private Investigators and Private Security Agencies is excepted from disclosure under the Open Records Act by section 3(a)(1), 3(a)(8) or 3(a)(9).

Dear Ms. Sanders:

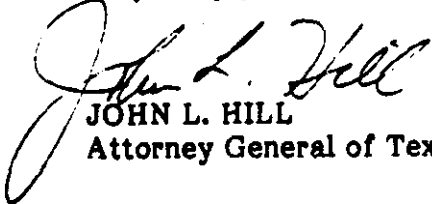
You have requested our decision as to whether a number of investigative reports of the Texas Board of Private Investigators and Private Security Agencies which have been requested are excepted from disclosure under the Open Records Act, article 6252-17a, V.T.C.S. The information in question, in the form of reports by Board investigators, relates primarily to an individual licensed by the Board. You contend that these reports are excepted from disclosure by sections 3(a)(1), 3(a)(8), and 3(a)(9) of the Open Records Act.

Section 3(a)(9) is clearly not applicable, since none of the information consists of "private correspondence [or] communications of an elected office holder."


Section 3(a)(8) applies to "records of law enforcement agencies." In our opinion, an agency whose function is essentially regulatory in nature is not a "law enforcement agency" for purposes of section 3(a)(8), even though it is charged with the duty of enforcing its own statute. We have held that section 3(a)(8) does not except information of this type in several instances. See Open Records Decision Nos. 85 (1975) (fire department not necessarily a law enforcement agency); 80 (1975) (investigative report of the Real Estate Commission public); 78 (1975) (sheriff's bail bond licensing records public); 36 (1974) (Real Estate Commission investigative reports public); 27 (1974) (city health inspection reports public). We hold therefore that the reports at issue here are not excepted from disclosure under section 3(a)(8).


As to section 3(a)(1), you have not referred us to any applicable statute or constitutional provision and we have found none. Accordingly, it is our decision that these investigative reports are not excepted from disclosure and should be disclosed.

Very truly yours,

  
JOHN L. HILL  
Attorney General of Texas

APPROVED:

  
DAVID M. KENDALL, First Assistant

  
C. ROBERT HEATH, Chairman  
Opinion Committee

jsn